



House of Representatives

General Assembly

File No. 85

January Session, 2013

House Bill No. 6416

House of Representatives, March 20, 2013

The Committee on Labor and Public Employees reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING STATE CHARTER SCHOOL EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 10-153b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (c) The employees in either unit defined in this section may
5 designate any organization of certified professional employees to
6 represent them in negotiations with respect to salaries, hours and other
7 conditions of employment with the local or regional board of
8 education which employs them by filing, during the period between
9 March first and March thirty-first of any school year, with the board of
10 education a petition which requests recognition of such organization
11 for purposes of negotiation under this section and sections 10-153c to
12 10-153n, inclusive, and is signed by a majority of the employees in
13 such unit. Employees of a state charter school, as defined in section 10-
14 66aa, shall file such petition with the State Board of Education. Where
15 a new school district is formed as the result of the creation of a regional

16 school district, a petition for designation shall also be considered
 17 timely if it is filed at any time from the date when such regional school
 18 district is approved pursuant to section 10-45 through the first school
 19 year of operation of any such school district. Where a new school
 20 district is formed as a result of the dissolution of a regional school
 21 district, a petition for designation shall also be considered timely if it is
 22 filed at any time from the date of the election of a board of education
 23 for such school district through the first year of operation of any such
 24 school district. Within three school days next following the receipt of
 25 such petition, such board shall post a notice of such request for
 26 recognition and mail a copy thereof to the commissioner. Such notice
 27 shall state the name of the organization designated by the petitioners,
 28 the unit to be represented and the date of receipt of such petition by
 29 the board. If no petition which requests a representation election and is
 30 signed by twenty per cent of the employees in such unit is filed in
 31 accordance with the provisions of subsection (d) of this section, with
 32 the commissioner within the thirty days next following the date on
 33 which the board of education posts notice of the designation petition,
 34 such board shall recognize the designated organization as the
 35 exclusive representative of the employees in such unit for a period of
 36 one year or until a representation election has been held for such unit
 37 pursuant to this section and section 10-153c, whichever occurs later. If
 38 a petition complying with the provisions of subsection (d) of this
 39 section is filed within such period of thirty days, the local or regional
 40 board of education shall not recognize any organization so designated
 41 until an election has been held pursuant to said sections to determine
 42 which organization shall represent such unit.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	10-153b(c)
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LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Education, Dept.	GF - Potential Cost	less than \$1,000	less than \$1,000

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Local and Regional School Districts	Potential Savings	less than \$1,000	less than \$1,000

Explanation

The bill results in a potential cost to the State Board of Education (SBE) of less than \$1,000 and a subsequent potential savings to various local and regional school districts. The bill requires that charter school employees who are petitioning to have a union recognized by their employer file a petition with the SBE, rather than with the local or regional board of education. The bill requires the SBE post a notice of the request for representation on each bulletin board for teachers in every affected school, or to give a copy of the notice to each employee who may potentially be affected.

This could result in a potential cost to the SBE associated with copying and distributing the notices to affected teachers. As there are only seventeen state charter schools, it is anticipated that the cost to the SBE would be less than \$1,000. Since the bill shifts the burden from local and regional boards of education to the SBE, it would result in a potential savings to various local and regional boards of education, which is anticipated to be less than \$1,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of schools and teachers affected, as well as inflation.

OLR Bill Analysis**HB 6416*****AN ACT CONCERNING STATE CHARTER SCHOOL EMPLOYEES.*****SUMMARY:**

This bill requires charter school employees petitioning to have their employer recognize a union to file the petition with the State Board of Education (SBE) and requires the SBE to take several actions after receiving the petition.

EFFECTIVE DATE: October 1, 2013

UNION RECOGNITION

This bill requires charter school employees petitioning to have a union recognized by their employer to file the petition with the SBE rather than, as under current law, with the local or regional board of education.

The bill requires the SBE, within three school days of receiving the petition from a majority of employees, to (1) post a notice of the request for union representation on each bulletin board for teachers in every affected school or, if there are no bulletin boards, give a copy of the notice to each employee who may potentially be in the union and (2) mail a copy of the notice to the education commissioner. Under current law, these actions are the duty of the local or regional board of education.

The bill and current law provide a timeframe for a competing union to submit a petition to trigger an election for employees to choose the official union representing them. Under the bill, the SBE must recognize the prospective charter school union if no competing union files a petition. Under current law, the local board of education recognizes the union if no competing petition is filed.

Under current law, the employer, which is the local or regional board of education, is involved in all the steps leading to union recognition. The bill does not make clear when the required steps of the union recognition process would switch from the SBE back to the local authority, which in the case of state charter schools is usually the board of directors or trustees of the charter school. For example, it is not clear when the charter school board, the employer that must at some point recognize the new union, is informed that SBE has recognized the new union.

BACKGROUND

Charter Schools

Charter schools are nonsectarian, independent public schools that are granted a state charter by the SBE or a local charter by a local or regional board of education. Any person, for-profit or nonprofit entity, higher education institution, school board or boards, or regional educational service center, but not a private elementary or secondary school, can apply to operate a state or local charter school. Currently, there are no local charter schools in Connecticut.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 0 (03/07/2013)